

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - I&CAD Department – Misappropriation of Government funds in construction of percolation tanks at Audathpur and Meerkhanpet sanctioned under Janmabhoomi Programme – Disciplinary proceedings initiated against Sri N.Hanmaiah, Assistant Engineer (Retd.) - Further action dropped– Orders – Issued.

IRRIGATION & CAD (SER.VI.2) DEPARTMENT

G.O.Rt.No. 904

Dated: 28 -7-2010

Read the following:-

- 1.From the Director General, Anti-corruption Brureau,A.P.,Hyderabad Lr.No. 106/RE-NMD/2000-S4,Dt.30-6-2005.
- 2.G.O.Rt.No.1444, I&CAD(Ser.VI.2)Dept. Dated: 6-10-2005.
3. Written statement of defence submitted by Sri N.Hanmaiah, Asst.Engineer (Retd.),I & CAD Deptt., dated: 2-12-2005.
4. Govt.Memo.No.25326/Ser.VI.2/2005-2,Dated: 29-11-2005.
5. Orders from the Hon'ble APAT,Hyderabad dated:20-11-2009 in O.A.No.3263/2006 with VMA No.1422/2006.
6. Govt.Memo.No.25326/Ser.VI.2/2005-16,Dated: 26-12-2008.
- 7.G.O.Rt.No.1188,I&CAD(Ser.VI2)Deptt.,18-7-2009.

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ORDER:

In the reference 1st read above, the Director General. Anti Corruption Bureau in his findings, among other things, stated that the officials of Irrigation Branch , Narayankhed Constituency colluded with Sri G.Narasimha Reddy, Constractor , who executed low quality works in construction of percolation tanks at Audathpur and Meerkhanpet against the norms of Janma Bhoomi and misappropriated huge public money and caused wrongful loss to the Government in collusion with the officials, held substantiated and recommended for initiation of departmental action for major penalty against Sri N. Hanmaiah, Asst. Engineer , Sri P. Mallaiah, Dy.Executive Engineer and I/c. Executive Engineer. of Irrigation Branch, Narayankhed and for recovery of an amount of Rs. 9,70,684/- from Sri P. Mallaiah, Dy.E.E and recovery of an amount of Rs.52,426/- in equal proportion from Sri N. Hanmaiah, Asst. Engineer and Sri P.Mallaiah, Dy.Executive Engineer towards the loss caused to the Govt..

2. After examining the matter, it was decided to initiate Departmental action against Sri P.Mallaiah, Deputy Executive Engineer and I/c.Executive Engineer and Sri N.Hanmaiah, Asst.Engineer (Retd) . Accordingly, In the reference 2nd read above, Articles of charges were framed against the accused officer Sri N.Hanmaiah, Asst.Engineer (Retd.) Inviting his written statement on the charges farmed against him.

3. In the reference 3rd read above, Sri N.Hanmaiah, Asst.Engineer (Retd) submitted his written statement of defense denying the charges framed against him and requested to drop further action against him.

4. Subsequently it was also decided to recover the loss caused to the Government from the charged officers. Accordingly, in Govt. Memo. 4th read above, the Engineer-in-Chief was requested to recover the misappropriated amount of Rs. 9,70,684/- from Sri P. Mallaiah formerly Dy. Executive Engineer and I/c EE Irrigation Branch Medak district and also to recover an amount of Rs. 52,436/- in equal proportion from both Sri P. Mallaiah Executive Engineer and Sri N. Hanmaiah, Asst. Engineer (Retd.) Irrigation Brach Medak district as they have responsible for wrongful loss to Government in execution of above said works. He was also requested to file the criminal case against them in the local police station concerned jurisdiction where the offence took place duly following the guidelines issued vide G.O.Ms.No.25, GA (Ser.C) Department dt. 3.2.2004 and as per G.O.Ms.No.995 Finance (Pen-I) Department, dt. 21.12.2002.

5. Aggrieved by the orders of recovery, Sri N.Hanmaiah, Asst.,Engineer (Retd.) approached the Hon'ble APAT in O.A.No.3263/2006 against the orders of recovery and the Honble APAT in its orders in the reference 5th read above has set a side as the recovery orders have been issued to the applicant without the disciplinary proceedings being concluded, and as the charge memo has been issued beyond the time of limitation in accordance with Rule 9 (2)(b) of the A.P.Revised Pension rules, and also in view of the law laid down by the Apex court as cited supra, the charge memo.in G.O.Rt.No.1444, dated: 5-10-2005.

6. In the reference 6th read above, Government have directed the Engineer-in-Chief (AW),I&CAD Deptt., Hyderabad to keep the recovery of amount in abeyance against Sri N.Hanmaiah, Asst.Engineer(Retd) Irrigation Branch,Medak District until finalization of departmental proceedings pending against him.

7. After examining the written statement of defense of the charged officer, after obtaining the inspection report from the Engineer-in-Chief (AW) and after obtaining the remarks of the Director General, Anti Corruption Bureau, it has been decided to entrust the case to Commissioner of inquiries for conducting a detailed enquiry into the charges framed against Sri N.Hanmaiah, Asst.Engineer(Retd.). Accordingly in the reference 7th read above, Government have appointed Dr.Subhrendu Bhattacharya, I.A.S. Member, Commissioner of Inquiries as the Inquiring authority to enquire into the charges framed against Sri N.Hanmaiah, Asst.Engineer(Retd.),Irrigation branch division, Siddipet, Medak District.

8. Subsequently on further examination of the matter, it is observed that two S.Es who inspected the works had reported that the percolation tanks were not defective in the first place and were storing water, and were very much serving the purpose for which they were meant, and that the tanks were intact even after a decade from their execution. It is observed that the matter was pending since (5) years, that the A.Os had already retired more than (4) years back, and that going in for fresh re-enquiry at this juncture on the grounds of administrative lapses which did not figure in the original charges, would be against the principles of natural justice as well as existing rules. Therefore, after careful examination of the entire issue, it has been decided to drop further action against Sri N.Hanmaiah, Asst.Engineer(Retd.), Irrigation branch division, Siddipet, Medak District and to withdraw the enquiry ordered in the reference 7th read above.

9. Accordingly, Government, hereby order to drop further action against Sri N.Hanmaiah, Asst.Engineer(Retd.),Irrigation branch division, Siddipet, Medak and to withdraw the enquiry ordered in the reference 7th read above.

10. The Engineer-in-Chief (AW), I & CAD Department shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri N.Hanmaiah, Asst.Engineer(Retd.) through the Engineer-in-Chief (AW),I&CAD Deptt.,
Hyderabad
The Engineer-in-Chief (AW),I&CAD Deptt.,Hyderabad
Copy to:
The Secretary, A.P.Vigilance Commission,Hyderabad
The General Admn.(COI-SB) Department
The Director General, Anti Corruption Bureau, Hyderabad.
The Government Pleader for I&CAD Deptt., APAT,Hyderabad.
SF/SC.

//::FORWARDED:: BY ORDER :: //

SECTION OFFICER